

MINUTES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

3/2/2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR 04-00120DAE
CASE NAME: USA v. Robert Tomaszewski
ATTYS FOR PLA: Thomas Muehleck
ATTYS FOR DEFT: Emmett Lee Loy
USPO: Terry Longboy-Healy

JUDGE: David Alan Ezra

REPORTER: Cynthia Fazio

DATE: 3/2/2006

TIME: 1:30pm-2:00pm

COURT ACTION: EP: Sentencing to Counts 1 and 3 of the First Superseding Indictment as to Defendant.

Defendant present in custody.

The Memorandum Plea Agreement is accepted.

Presentence Report adopted. Sentencing recommendations heard. Allocution by Defendant.

SENTENCE:

Imprisonment: 80 MONTHS, as to each of Counts 1 and 3 of the First Superseding Indictment, with all such terms to run concurrently

Supervised Release: 3 YEARS, as to each of Counts 1 and 3 of the First Superseding Indictment, with all such terms to run concurrently

CONDITIONS:

1. Defendant shall abide by the standard conditions of supervision.
2. Defendant shall not commit any federal, state, or local crimes.

3. Defendant shall not possess illegal controlled substances.
4. Defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter, but no more than 8 valid drug tests per month during the term of supervised release, as directed by the Probation Office.
5. Defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
6. Defendant shall cooperate in the collection of DNA as directed by the probation officer.
7. Defendant shall participate in a substance abuse program, which may include drug and alcohol testing, at the discretion and direction of the Probation Office. Defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.
8. Defendant shall execute all financial disclosure forms and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information.
9. Defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.

Special Assessment: \$200.00.

JUDICIAL RECOMMENDATIONS: Central Region near Iowa. Drug Treatment. Educational and Vocational training. Counseling. 500 hour intensive drug treatment program.

Defendant advised of his right to appeal.

Government's Oral Motion to Dismiss All remaining counts as to this Defendant Only - GRANTED.

Defendant remanded to the custody of U.S. Marshals.

Submitted by: Theresa Lam, Courtroom Manager

